



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 26.2.A41/B/USA

In re Application of:)
Jackie R. Gust et al.)
Serial No. 09/480,044)
Filed January 10, 2000) Group Art Unit 3618
For ELECTRIC DRIVE) Examiner M. Britton
RIDING MOWER)

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DECLARATION UNDER 37 CFR 1.608(a)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Pursuant to 37 C.F.R. §1.608(a), the Toro Company, the Assignee of the entire right, title and interest in and to the above-identified patent application, hereby asserts that there is a basis upon which the Applicants are entitled to a judgment relative to U.S. Patent 5,794,422 to Reimers et al. should an interference be declared between the above-identified application and U.S. Patent 5,794,422 to Reimers et al. It is not possible at this time to produce a Declaration signed by all the Applicants as some of the Applicants have left the employ of the Assignee and are not currently available to the Assignee.

I hereby declare that I am authorized to execute this document on behalf of the Assignee, that all statements made

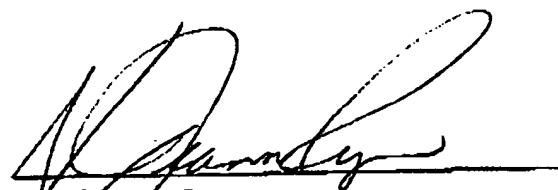
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Certificate under 37 C.F.R. 1.8. I hereby certify that this correspondence is being deposited with sufficient postage with the U.S. Postal Service, as First Class Mail, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on 10/11/00.

James W. Miller

herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,



October 11, 2000

N. Jeanne Ryan
Assistant Secretary
The Toro Company